
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 149

CHILDREN AND YOUNG PERSONS

The Children (Protection at Work) (Scotland) Regulations 2000

<i>Made</i>	- - - -	<i>19th May 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>19th May 2000</i>
<i>Coming into force</i>	- -	<i>9th June 2000</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(1) in relation to measures relating to the employment of children and young persons and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Children (Protection at Work) (Scotland) Regulations 2000 and shall come into force on 9th June 2000.

(2) In these Regulations, “the Act” means the Children and Young Persons (Scotland) Act 1937(2).

(3) These Regulations extend to Scotland.

Amendments of the Act

2.—(1) In section 28(2)(a)(i) of the Act(3) (restrictions on employment of children), for the words “under the age of fourteen years” there are substituted the words “aged thirteen years”.

(2) In section 30 of the Act(4) (street trading)—

(a) subsection (2)(b) is omitted; and

(b) at the end, the following subsection is inserted—

“(3) Byelaws made under subsection (2) shall contain provisions determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading.”.

(1) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15; functions of the Secretary of State under section 2(2), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of that Act.

(2) 1937 c. 37.

(3) Section 28 was amended by the Children and Young Persons Act 1963 (c. 37), sections 34 and 64(1) and Schedule 3, paragraph 29; by the Children Act 1972 (c. 44), section 1(2); by the Employment of Children Act 1973 (c. 24), which however has not been brought into force; and by the Children (Protection at Work) Regulations 1998 (S.I.1998/276), regulation 8.

(4) Section 30 was amended by the Employment Act 1989 (c. 38), section 10(2) and Schedule 3, Part III, paragraph 9(a) and (b).

*Status: This is the original version (as it was originally made). Scottish
Statutory Instruments are not carried in their revised form on this site.*

(3) In section 33 of the Act⁽⁵⁾ (prohibition against persons under sixteen taking part in performances endangering life or limb)—

- (a) for the words “No child” there are substituted the words “No person under the age of sixteen years, and no child aged sixteen years,”; and
- (b) for the words “a child” there are substituted the words “such a person or child”.

St Andrew’s House, Edinburgh
19th May 2000

SAM GALBRAITH
A member of the Scottish Executive

(5) Section 33 was amended by the Children and Young Persons Act 1963 (c. 37), section 64(1) and Schedule 3, paragraph 30; by the Criminal Justice Act 1967 (c. 80), section 92 and Schedule 3, Part I; by the Employment Act 1989 (c. 38), section 10(2) and Schedule 3, Part III, paragraph 11; and by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276) regulation 10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give further effect, in Scotland, to Council Directive [94/33/EC](#) on the protection of young people at work (O.J. L216 20.8.94 p.12). Regulation 2(1) amends section 28 of the Children and Young Persons (Scotland) Act 1937 (“the Act”), raising to thirteen the minimum age at which children may be authorised by local authority byelaws to be employed in light agricultural or horticultural work. Regulation 2(2) amends section 30 of the Act so that local authority byelaws authorising children to take part in street trading must contain provisions determining the days and hours during which, and the places at which, they may do so. Regulation 2(3) amends section 33 of the Act so that only persons aged at least sixteen and who are also over compulsory school age may take part in performances of a dangerous nature.